

REMARKS

Claims 1-33 are presently pending. Claims 34-40 have been added herein. Support for these claims is found at least on page 6, lines 3-4; page 11, line 7 through page 12, line 5; page 15, lines 4-6; page 16, lines 14-17; and FIGS. 5 and 6 of the originally filed application. No new matter has been added.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-18 and 21-33 under 35 U.S.C. § 103(a) as being unpatentable over Shibata (JP406169643A) in view of Schoonman (U.S. Patent 3,295,254).

Independent Claims 1, 18, and 21 have been amended herein to distinguish over the cited references. Support for these amendments is found at least on page 11, line 7 through page 12, line 5 and FIGS. 5 and 6 of the originally filed application. No new matter has been added. More particularly, the claims have been amended to recite that the fluid or medicament is injected into the plant by motion of at least one piston actuated by compressed gas without the gas mixing with the fluid or medicament. Instead, the compressed gas urges a piston 80, 125, to inject the fluid or medicament into the plant.

In contrast, the gas G in gas container 2 of Shibata is mixed in with the liquid L in liquid container and then injected into the plant. Schoonman merely discloses a gravity-fed device and does not disclose a compressed gas. Accordingly, Shibata and Schoonman, taken individually or in combination, do not teach or suggest the limitations of amended Claims 1, 18, and 21.

Accordingly, the rejection is believed to be overcome.

The Examiner rejected Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Shibata as modified by Schoonman as applied to Claim 18 above, and further in view of Hendrixson *et al.* (U.S. Patent 4,103,456).

Claim 19 depends directly from Claim 18 and thus includes the patentable distinction over Shibata and Schoonman. It is respectfully submitted that Hendrixson *et al.* fail to remedy the deficiencies of Shibata and Schoonman. That is, it appears that the compressed gas within pressurized can 34 mixes with the liquid that is injected into the tree.

Accordingly, this rejection is respectfully traversed.

The Examiner rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Shibata as modified by Schoonman as applied to Claim 18 above, and further in view of Mazur *et al.* (U.S. Patent 4,908,983).

Claim 20 depends from Claim 18, which has also been amended to specify that the medicament is injected through a needle that is fixed relative to the injector through a surface of the plant to inject the medicament into the plant. Although Shibata, Schoonman, and Mazur *et al.* teach various aspects of Claim 20, there is no teaching or suggestion of combining the teachings together to provide a method for injecting a medicament into a plant as recited in Claim 20.

Accordingly, the rejection is believed to be overcome.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner believes that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: August 20, 2003

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